Election for Members of Rajya Sabha

2747. DR. K. MALAISAMY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether on the issue of election some Members of Rajya Sabha, who were elected earlier from the State to which they neither belong nor reside, a lot of uproar and noise were created and adversely reacted by certain major political party functionaries;

(b) whether the very same pattern has been followed again in electing the MPs (RS) by the very same reactionaries; and

(c) if so, what is the standard that can be conceived and followed in future?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) The Representation of the People (Amendment) Act, 2003, *inter alia,* amended section 3 of the Representation of the People Act, 1951 to remove the residential qualification for contesting elections to the Council of States. The said amendment was in accordance with the view of the Election Commission that a precise definition of 'ordinarily resident' was very difficult and emphasized that it was for the political parties, acting through Parliament, to carry out what in their judgement, might be the best possible solution, in the light of the experience of the past few decades. During the consideration of the corresponding Bill, divergent views were expressed both for and against the provision but after its enactment it is the law of the land and any person cannot be questioned for following the same.

(c) The said Amendment Act has been challenged in the Supreme Court in Kuldip Nayar *vs.* Union of India and others [W.P. (Civil) No. 217 of 2004] along with three other connected matters. The cases now stand referred to the Constitution Bench of the Supreme Court.

Allocation for Enforcement of Laws

2748. SHRI MANOJ BHATTACHARYA:
SHRI C. RAMACHANDRAIAH:
SHRI PRAMOD MAHAJAN:

Will the Minister of LAW AND JUSTICE be pleased to state: